

§ 455.100

- (a) Are not required to award the funds in grant instruments;
- (b) May award the funds throughout the fiscal year subject to § 455.144(a)(3); and
- (c) Are not required to rank applications under § 455.131(b) of this part.

Subpart I—Cost Sharing

§ 455.100 Limits to Federal share.

Amounts made available under this part, together with any other amounts made available from other Federal sources, may not be used to pay more than 50 percent of the costs of technical assistance programs and energy conservation measures unless the grantee qualifies for the exceptions specified in §§ 455.141(a), 455.142(a), 455.142(b), or for severe hardship assistance specified in § 455.142(c). In cases of severe hardship, the Federal share of the cost cannot exceed 90 percent.

§ 455.101 Borrowing the non-Federal share/title to equipment.

The non-Federal share of the costs of acquiring and installing energy conservation measures may be provided by using financing or other forms of borrowed funds, such as those provided by loans and performance contracts, even if such financing does not provide for the grantee to receive clear title to the equipment being financed until after the grant is closed out. However, grantees in such cases must otherwise meet all the requirements of this part, and financing and loan agreements and performance contracts under this section are subject to the requirements of 10 CFR Part 600 and the certification requirements under § 455.111(e). Grantees must receive clear title to the equipment when the loan is paid off.

§ 455.102 Energy conservation measure cost-share credit.

To the extent a State provides in its State Plan, DOE may wholly or partially credit the costs of the following, with respect to a building, toward the required cost-share for an energy conservation measure grant in that building:

- (a) A non-Federally funded technical assistance program;

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- (b) A non-Federally funded technical assistance program update to comply with § 455.20(q); and

- (c) The non-Federally funded implementation of one or more energy conservation measures, which complies with the eligibility criteria set forth in § 455.71.

§ 455.103 Requirements for applications for credit.

- (a) If a State has provided for credit in its State Plan pursuant to § 455.20(w), applications for credit will be considered only when the technical assistance programs or updates and the energy conservation measure projects for which credit is sought meet the applicable program requirements, such as those specified in § 455.61, § 455.62, § 455.71, and the relevant sections of 10 CFR part 600, except that the project need not comply with the Davis-Bacon Act regarding labor standards or wage rates.

- (b) Credit for energy conservation measures will be considered only when supported by a technical assistance analysis that meets the requirements of § 455.62 and that was performed prior to the installation of the energy conservation measures.

§ 455.104 Rebates from utilities and other entities.

- (a) Grantees which receive rebates or other monetary considerations from utilities or other entities for installing the energy conservation measures funded by a grant under this part may use such funds to meet their cost-sharing obligations pursuant to § 455.100.

- (b) Where the rebate or monetary consideration does not exceed the non-Federal share of the cost of the measures applied for in a grant application, grantees are not required to deduct the amount of the rebate or monetary consideration from the cost of the measures, and DOE does not consider such rebates or monetary considerations to be program income which would have to be remitted to DOE upon receipt by the grantee.

- (c) Where the rebate or monetary consideration does exceed the non-Federal share of the cost of the measures applied for in a grant application,